

***Aboriginal news from across Turtle Island and beyond
January 7-11, 2013***

After court ruling, officials expect to be 'swamped' with people claiming Métis heritage and benefits

[Canadian Press](#)

Jan 9, 2013 8:19 PM ET

Jen Gerson and Chris Purdy



Ian Akiwenzie of Morning Star River performs a traditional dance at a Métis Arts Festival.

Now that the Federal Court has ruled that Métis enjoy First Nations rights, a fresh question is emerging: Exactly who are the Métis?

"There's a lot of people ... in the country who have a half of this and a part of that," said Fred Shore, a professor in native studies at the University of Manitoba.

"They're going to come forward and say 'Well, we're Métis. Where's my share of the cash?'"

Many people consider themselves Métis just because there's native blood somewhere in their family tree, he said: "That does not a Métis make."

Métis are people of mixed native and European ancestry who can trace their lineage to the families who lived in revolutionary Red River colonies. Over time, these groups came to encompass settlements in B.C., the prairies, Ontario, the Northwest Territories and the U.S.

"In order to be Métis, you have to self-identify, you believe you are a Métis person," said Métis Nation of Alberta president Audrey Poitras. "Then there's a process of establishing a historical link, a link to the Métis homeland way back in the 1800s when we flew the first flag in 1816 and declared ourselves a Métis nation."

In the 2006 census, about 400,000 people self-identified as Métis. Only half of those are recognized officially.

Tuesday's federal court decision that classifies Métis as Indians, placing them under federal jurisdiction, may soon have more people lining up for membership cards.

"We're going to be swamped," said Randy Ranville, a genealogist with the Métis Culture and Heritage Resource Centre in Winnipeg, who helps Métis applicants dig through government scrips, Hudson's Bay Company employee records and the 1901 census for evidence their ancestors were designated "half-breeds."

It could take years before the ruling translates into any actual benefits for Métis people — the same afforded to status Indians. The federal government would have to redevelop its policies; it's also expected to appeal the decision.

Chris Andersen, the director of the Rupertsland Institute for Métis Research, is writing a book about Canada's imperfect attempts to define the Métis. The government has struggled with the term in successive constitutions, accords and court decisions, he said.

In 2003, the Supreme Court of Canada's Powley decision affirmed Métis have distinct rights. It defined Métis as people who were connected to the modern Métis society and had ties to historic Métis communities that were confined to certain geographical areas and were distinct from other First Nations, Europeans and subsequent people of mixed heritage.



Dominion Institute Louis Riel was the most prominent Métis leader.

"Some people should not be able to call themselves Métis. I've been told that's racist or unfair, and that's nonsense," he said. "Mohawks can determine who is or is not a Mohawk, who is an Ojibwe or not an Ojibwe."

Each province has a Métis organization which registers members and outlines its own requirements for status. Typically, proof lies in an official family tree, accompanied by birth certificates and other documentation with ties to the historic Métis homeland.

Mr. Andersen said he opposed a system that would allow anyone with mixed aboriginal and European ancestry to claim they are Métis.

"If that were the case, then 95% of all aboriginals in Canada would be Métis," he added.

Mr. Shore said there's a group of people in northern Labrador who claim to be Métis. They even use the Métis flag and honour Louis Riel. But they don't have a link to the Métis homeland.

He said it's likely going to take years for the federal government and Métis leaders to agree on a national registry system for Métis. He expects the process will be a mess.

"If you think the court cases you've had now are difficult — wait."

Mr. Ranville said many applicants in the past have been disappointed to find out they don't get free glasses or post-secondary education with their Métis designation.

But now there's hope they will someday. "A lot of Métis would say 'Oh, jump on the bandwagon and run with it,'" said Mr. Ranville.

Métis culture is often identified with the Michif language, fiddle music, jig dance and woven sashes, said David Chartrand, president of the Manitoba Métis Federation. He said Métis memberships have increased in recent years and he expects the court decision will mean more applications.

But he said officials will be watching carefully to make sure they have historical proof.

"We don't want people coming out of nowhere saying 'Wow, there's a place I can get a free ride here.'"

The most prominent Métis leader, Louis Riel, led two resistance movements against the Canadian government, fighting to preserve Métis rights. He was hanged for treason in 1885 but the federal government officially recognized him as a founding father of Manitoba in 1992.

National Post and The Canadian Press

Governor General agrees to ceremonial First Nations meeting in wake of boycott threat

[CTVNews.ca Staff](http://CTVNews.ca)

Jan. 10, 2013 11:03AM EST



Gov. Gen. David Johnston has agreed to host a ceremonial meeting with First Nations leaders at Rideau Hall on Friday evening, at the prime minister's request.

Governor General David Johnston has accepted an invitation from Prime Minister Stephen Harper to attend a ceremonial

meeting with First Nations leaders on Friday.

The gathering will take place at Rideau Hall and will follow the highly-publicized working meeting planned with aboriginal leaders, Harper and other federal ministers.

A statement from both the Prime Minister's Office and Rideau Hall Press Office confirmed Johnston's attendance.

The news follows a stand-off between Johnston and Attawapiskat Chief Theresa Spence, who had called on the Assembly of First Nations to cancel Friday's hard-fought meeting after Johnston declined the invitation.

Spence said she would boycott the meeting unless Johnston agreed to attend. She said his presence was imperative, since the talks will centre on treaty rights that were first established by the Royal Proclamation of 1793.

The northern Ontario chief was instrumental in securing a face-to-face sit down with Harper after embarking on liquids-only diet in December.

The highly-publicized hunger strike drew further attention to the broader Idle No More movement, which protests the federal government's omnibus budget legislation.

Protesters say the Conservative budget bill threatens First Nations treaty rights as set out in the Constitution.

The meeting between the First Nations leaders and federal officials will take place Friday between 12:45-3:45 p.m. ET, however, Harper is only expected to attend a small portion of the session.

The meeting with Johnston will take place later in the day, at 6:30 p.m.

An AFN document circulated to First Nations chiefs and obtained by CTV News on Thursday said Harper is expected to attend the first half-hour of the highly-publicized meeting. The Prime Minister will also return at the end of the day for a summary.

"It is disappointing that the Prime Minister has not committed to attending the full three hours of this meeting," said the AFN in the document.

The group said it was attempting to secure a meeting with a smaller delegation, including Harper, for a more focused discussion later in the day.

Also expected to participate in the working session are Aboriginal Affairs Minister John Duncan, Health Minister Leona Aglukkaq and Minister Tony Clement, president of the Treasury Board of Canada.

AFN National Chief Shawn Atleo is expected to outline later today the First Nations goals and objectives for Friday's working session.

A news conference was originally planned for Wednesday afternoon, but it was abruptly postponed after Spence called on the AFN to cancel the hard-fought meeting.

At the time, Atleo said more discussion was needed to iron out clear expectations and benchmarks.

“It is essential that this important dialogue continues,” Atleo said in a statement.

How First Nations and eco-groups won over Shell in B.C.

[Toronto Star](#)

January 05, 2013

Leslie Scrivener



BRIAN HUNTINGTON COURTESY OF SKEENA WATERSHED CONSERVATION CO An image looking south into the Skeena Watershed from the southern portion of the Sacred Headwaters meadows.

Was it the petition with 100,000 signatures and intractable First Nations and environmentalists that forced [Shell Canada Ltd.](#) to back off a project to drill for coal-bed methane gas in a pristine B.C. wilderness?

Or was it the odour of the Bad Gas Award that persuaded one of the world’s biggest companies to withdraw from the remote alpine meadows and marshlands in the province’s northwest, an area known to some as the [Sacred Headwaters](#)?

“The message is clear the community won’t stand for dirty energy projects,” says Karen Tam Wu, [ForestEthics](#) Advocacy senior conservation campaigner, who presented the award — featuring a model of a dead salmon — to a surprised Royal

Dutch Shell CEO Peter Voser in The Hague in 2011. Three salmon-rich rivers find their source in the Sacred Headwaters.

The B.C. government, Shell and the [Tahltan Central Council](#) said in December that the company was abandoning rights to its 4,000-square-kilometre tenure. The province also announced a ban on all future oil and gas development in the region known as the Klappan in northwest B.C.

There was celebration within First Nations and environmental coalitions and praise for the government of B.C. Premier Christy Clark and for Shell Canada.

"I was overjoyed," says Annita McPhee, president of the Tahltan Central Council. "I applaud Shell for listening to us and the government for co-operating. We are very clear about what we want to see protected and what we want to see developed and the Klappan is not one of them."

And there was some hope that other companies will pause before launching projects in an area abounding in wildlife and rivers of pure water.

"This decision and others send a clear message and a protocol to industry that they cannot push development without licence from the people who live here," says Shannon McPhail of the Skeena Watershed Conservation Coalition. "If it's going to impact our wild salmon, it's never going to fly."

But the decision doesn't fully protect the Sacred Headwaters, says Wade Davis, the Canadian anthropologist who has spent every summer in the area for three decades. He has lectured and written about the area, most recently in the book [The Sacred Headwaters](#). "The decision by Shell — wonderful news as it is — shouldn't blind us to the fact that the headwaters are still not secure."

Fortune Minerals is intent on building an open-pit anthracite mine near Mount Klappan, in the heart of the Sacred Headwaters, and Imperial Metals Corp. is forging ahead with the Red Chris project, an open-pit gold and copper mine on Todagin Mountain, which is near Davis's lodge on Ealue Lake. He's disappointed that there was not wider opposition by environmental groups to the Red Chris mine.

"I feel the Red Chris is a true tragedy," he says. The Klappan meadows are remote, while Todagin Mountain, with easy road access, is at the epicentre of what could be a sustainable world-class tourism destination, he adds.

Shell spokesperson David Williams says the company was pleased to find "common ground" with the Tahltan and the province. Shell says it will pursue better opportunities in the northeast of the province, where more infrastructure exists for gas extraction.

First Nations leader welcomes meeting with Harper: Duncan 'fumbled through' Attawapiskat housing crisis, Grand Chief Stan Loutitt says

[CBC News](#)

Jan 5, 2013 3:18 PM ET



Grand Chief Stan Loutitt speaks during a press conference at the National Press Theatre in Ottawa on Friday, January 4, 2013, to discuss Attawapiskat Chief Theresa Spence's hunger strike. (Sean Kilpatrick/The Canadian Press)

The grand chief representing First Nations communities in the James and Hudson Bay areas including the northern Ontario community of

Attawapiskat says he welcomes the decision by Prime Minister Stephen Harper to hold a "working meeting" with a delegation of First Nations leaders co-ordinated by the Assembly of First Nations next Friday.

In an interview airing Saturday on CBC Radio's *The House*, Stan Loutitt, Grand Chief of the Mushkegowuk Council, told host Evan Solomon he was "pleasantly surprised" when the news of the meeting came 25 days into the hunger strike of Attawapiskat Chief Theresa Spence.

"The prime minister did the right thing," Loutitt said.

While Spence was "overjoyed" at the news of a meeting with Harper, on Friday she said she would continue her hunger strike at least until the day of the meeting.

Unless there are "concrete results," said Loutitt, "there is a chance that the hunger strike will continue after Jan. 11."

And while Loutitt acknowledged that one meeting will not solve everything, he said he will be looking for "some commitment by the prime minister that there is going to be continuing dialogue, that there's going to be continuing discussions beyond Jan. 11."

Loutitt called on First Nations leaders to "seize this opportunity with the prime minister, and that'll set the stage in terms of any future discussions that might be required with other government leaders including the premier, including the governor-general."

Harper said in a statement released Friday that the meeting, which will include Aboriginal Affairs and Northern Development Minister John Duncan, is expected to focus on "the treaty relationship, aboriginal rights, and economic development."

Duncan's performance under fire

Spence refused to meet solely with Duncan despite numerous attempts by the minister to do so.

"[I've dealt] with his little ministers before and they don't really work with us. They always put [on] a band-aid solution," Spence told CBC News on Dec. 27.

When asked about Duncan's handling of this file, Louttit told Solomon: "I want a new minister because he has shown with the Attawapiskat crisis that he could not deal with that situation, that he fumbled through that process."

Louttit said he's not alone, that First Nations leaders would not only like to see a new minister in place but would also like to have some input into the selection of the next minister overseeing the Aboriginal Affairs portfolio.

In a separate interview airing on *The House*, Greg Rickford, the parliamentary secretary to the minister of Aboriginal Affairs, defended Duncan saying he has "nothing but admiration for the leadership he's shown on a number of key files, not the least of which would be education."

Rickford, who confirmed he will be attending the Jan. 11 meeting along with Harper, Duncan and "another minister," described the federal government as a "willing partner in a process that will focus on economic development on reserves and certainly issues around treaties."

'Oppressive legislation'

Pam Palmater, a lawyer and Chair in Indigenous Governance at Ryerson University, doubts there will be any concrete results stemming from next Friday's meeting.

In an interview with CBC News Network on Saturday, Palmater said she wouldn't even qualify this meeting as "a small step" forward.

Palmater said "oppressive legislation" and "significant budget cuts" is all that followed last January's gathering of the Crown–First Nations leaders.

But the parliamentary secretary to the minister of Aboriginal Affairs and Northern Development also defended the changes included in the second budget implementation bill.

"With respect to Bill C-45, the changes to property leasing provisions, these changes respond directly to the request of a number of First Nations Chiefs to provide them with more flexibility," Rickford said.

Palmater, who is also an indigenous rights activist with the Idle No More movement said, the news of this meeting has had for effect to see their activities "ramped up" and there will be "more activities" in the lead-up to Friday's meeting including a "massive rally" in Ottawa.

Education reform to trump property rights in first-nations talks with Tories

[Globe and Mail](#)

Jan. 07 2013, 7:00 AM EST John Ibbitson



A protestor waves a flag in Sarnia as Idle No More members blocked traffic at the Blue Water Bridge to the United States for an hour Saturday. (Dave Chidley /THE CANADIAN PRESS)

The Conservative government is making education reform the dominant priority in native affairs in 2013, at the expense of reforms to property rights.

But although the confluence of a hunger strike and the aboriginal-rights movement known as Idle No More may have limited the scope of Stephen Harper's native-issues agenda, it will have little impact on his broader national mandate as Prime Minister.

"The research suggests that Canadians still consider the economy and jobs as a top national issue of concern," pollster Nik Nanos said Sunday.

That focus, and the unfocused nature of Idle No More, will impair the ability of the protests to influence change.

When the Prime Minister meets with native leaders Friday, he is expected to affirm an offer to create a joint government-native working group on how Ottawa is implementing its treaty obligations, according to a government official who spoke on condition of anonymity. Mr. Harper will also commit to moving forward with a First Nations Education Act that would, on a voluntary basis, consolidate band schools into native-run school boards. The boards would pool resources, teachers and principals, allocate capital spending and develop a native-centric curriculum in accordance with provincial standards.

The Assembly of First Nations has withdrawn its initial support for the act, citing lack of consultation. The government official, while insisting consultation has been continuing, said that Aboriginal and Northern Affairs Minister John Duncan will work with first nations leaders as the bill is drafted in the coming months. The draft legislation will then be shared with first nations communities across the country, before finally being introduced into the House of Commons, possibly in the autumn.

The Conservatives are committed to having the legislation passed by the fall of 2014.

The government also indicated last summer that it had plans to introduce legislation making it possible for natives to own their own property on reserves. But given the importance that the government attaches to the education reform bill, and the

resistance of the chiefs stoked by Idle No More, property-rights reform has become a reform too far, at least for now.

Idle No More is, of course, about far more than preventing future legislation. In the words of its designated spokeswoman, Pam Palmater, the movement seeks to reverse “Harper’s assimilatory legislative agenda” and his “destructive environmental agenda,” as she posted on Rabble.ca on Jan. 4.

And while Idle No More – first launched late last year by four native women in Saskatchewan and fuelled by social media and the hunger strike of Attawapiskat Chief Theresa Spence – claims no leadership or any other hierarchy, politics lurks in the background, as always.

Ms. Palmater, a Mi’kmaq from New Brunswick, is currently Chair in Indigenous Governance at Toronto’s Ryerson University.

She ran – strongly, if unsuccessfully – against Shawn Atleo for National Chief of the Assembly of First Nations last July. In her Jan. 4 post, Ms. Palmater maintained that Mr. Harper decided “to use the Assembly of First Nations as his primary vehicle to call all the shots ... Harper managed to bully his assimilation plan onto the First Nation agenda with hardly a squeak of opposition at the political level.”

There are obvious tensions between the Idle No More movement, as represented by Ms. Palmater, and the chiefs of the Assembly, as represented by Mr. Atleo. And although Ms. Spence will be at Friday’s meeting, that meeting will be between the Prime Minister and the chiefs, not the activists of Idle No More, which will be staging events across the country that day.

Given the tensions within and between the native leadership and activists, it’s easy to understand why the Conservatives have decided to focus on limiting the future agenda to education reform.

Even at that, many chiefs may be unwilling to co-operate with a government that is now, in the eyes of many natives, simply the enemy.

Alberta First Nations launch environmental court challenge

[Edmonton Journal](#)

January 8, 2013



Elise Stolte

*George Stanley says the Frog Lake First Nation is participating in a challenge of bills C-38 and C-45 in order to protect treaty rights.
Photograph by: Shaughn Butts, Edmonton Journal*

EDMONTON - Two Alberta First Nations are launching a court challenge Tuesday to fight what they say is Ottawa's attempt to weaken the protection of fish habitat and their right to be consulted over development.

The Mikisew Cree and Frog Lake First Nations plan to submit their challenge to Federal Court, arguing the federal government needed to consult with First Nations before passing changes in the omnibus bills C-38 and C-45.

Those bills included changes to the Fisheries Act, the Navigable Waters Protection Act and the Canadian Environmental Assessment Act, legislation that in the past has triggered environmental reviews and First Nations' involvement when industry sought to impact estuaries, wetlands, streams and other fish habitat.

"The focus here is on the environmental parts of the legislation," said Robert Janes, legal counsel for the First Nations. "They've greatly reduced those protections."

The legislation was critical for rural First Nations trying to protect a traditional way of life and convince industry to consult when they planned work in traditional territories, he said. "All of a sudden, in two bills, everything they are used to dealing with is essentially gutted."

Fort Chipewyan-based Mikisew Cree Chief Steve Courtoreille said it was natural for his community to take a lead on this because of their 2005 Supreme Court win. In that case, they successfully argued Parks Canada should have consulted before trying to build a winter road through Wood Buffalo National Park, part of their traditional territory. It was a case that set a precedent across the country.

"We took the lead in 2005 when we won our case at the Supreme Court," said Courtoreille, reached in Ottawa Monday. "Believing that the government would do the right thing, hoping they would do the right thing, then finding out when they ran the bill through the house that they have no intentions (of consultation) — we put out notice that we are going to take a legal challenge to be sure they do the right thing by consulting with us."

"What's the point of having treaties if the government can't follow their own laws and protect First Nations?" he asked. "I know it's not going to be a slam dunk deal. It's going to take some time, but we're in there for the long haul."

George Stanley, a former chief speaking on behalf of the Frog Lake First Nation, said his community joined the legal challenge because elders in the community consider it their duty to protect the treaties. "When issues arise with our rights, we need to rise to protect them," he said.

Also, he said, “we know when two nations come together they are more powerful and have more voice.”

Frog Lake is northeast of Edmonton, near the Alberta-Saskatchewan border. The community owns its own oil company, Frog Lake Energy, which is now worth an estimated \$150 million to \$200 million and produces oil both on and off the reserve. The Mikisew Cree own a variety of companies in Fort McMurray, Edmonton and Toronto.

Janes said the changes to the three acts mean industry will no longer need to get a federal permit when their work impacts fish habitat, only when it can be proven that their work will actually kill fish.

The changes also allow the minister to exempt certain areas and activities from protection without having to go through Parliament. Changes to the Canadian Environmental Assessment Act give the minister the power to decide if he or she thinks the provincial assessment of a certain activity was enough.

First Nations see that as downloading responsibility to the provinces, which is problematic, said Janes.

“When you look at it from the aboriginal peoples’ perspective, (the provinces) have a huge commitment to resource development because they are depending upon those royalties and the revenues that come from resource development to support their provincial treasuries in a way that the federal government doesn’t. They have a conflict of interest.

“That creates a very different dynamic when it comes to the treaties and the perspective of aboriginal peoples,” he said. “The federal government is a very important partner. They are the ones that made the treaties. They are the ones that were responsible for implementing the treaties, and under the Constitution, they are the government that’s supposed to be responsible for protecting aboriginal people.”

After the First Nations file their legal challenge against the federal government Tuesday, the two parties have 60 days to file affidavits and exchange evidence. Janes said he expects a court date to be set for this summer. “I do expect the government to fight this full on,” he said.

Aboriginal Affairs Minister John Duncan’s press secretary declined to comment Monday, saying it would be inappropriate before the documents have been filed.

estolte@edmontonjournal.com

John Ibbitson: Court ruling on aboriginal people opens a Pandora's box

[The Globe and Mail](#)

Jan. 09 2013, 6:00 AM EST



National Vice-Chief Ron Swain, left, looks on as Congress of Aboriginal Peoples National Chief Betty Ann Lavallée responds to a question during a news conference about the impact of a federal court decision on Métis and Non-Status Indians, Jan. 8, 2013 in Ottawa. (Adrian Wyld /THE CANADIAN PRESS)

There are up to a million more Indians today than there were yesterday.

Whether that's still the case a few years from now is far from certain. The federal government will doubtless appeal Tuesday's federal court ruling that up to a million Métis and non-status Indians qualify as Indians under Section 91(24) of the British North America Act. Almost certainly, the Supreme Court will have the last word on this.

But the decision of Mr. Justice Michael Phelan, though limited in scope, will have enormous consequences if upheld. It could lead to greater access to health, education and social programs for aboriginal Canadians.

"It's a huge decision, in that it could have massive financial implications for the federal government," believes David Khan, a Calgary-based lawyer who specializes in native litigation.

It could also lead to the watering down of existing programs, endless litigation and cruel contests for control between status Indians and other aboriginal Canadians.

"Pandora's box" is a cliché. But this is one.

Judge Phelan has decided to right a wrong that the federal government itself acknowledged in a once-secret cabinet memorandum from 1972.

"The Métis and non-status Indian people, lacking even the protection of the Department of Indian Affairs and Northern Development, are far more exposed to discrimination and other social disabilities," the memorandum declared.

"It is fair to say that in the absence of Federal initiative in this field they are the most disadvantaged of all Canadians."

The federal government insists that it is only responsible for the welfare of status Indians and of Inuit. But provincial governments insist that Ottawa is also responsible for meeting the special needs of Métis citizens – originally people of

French or Scottish and Indian heritage – and of people who, by marriage or by moving, have lost their status as Indians under the Indian Act.

Several complainants, and the Congress of Aboriginal Peoples, took the government to court to make that point.

Despite being caught between jurisdictions and suffering decades of discrimination – the historical material in the ruling on “half-breeds” makes you cringe – Judge Phelan concluded the group of Métis and non-status Indians “has been able to maintain its identity and form national, provincial and regional associations claiming a potential membership of approximately 1,000,000 people.”

Métis and non-status Indians, he believes, qualify as Indians under Section 91 of the BNA Act, provided they self-identify as such, and are recognized as such by a Métis or Indian group or organization.

This does not immediately confer upon them all of the rights of status Indians. Nor does it confer specific obligations on the part of the federal government – at least not yet.

It will be for future judges in future cases to decide what is owed to whom. And that’s the problem with this decision.

However well-reasoned Judge Phelan’s ruling may be in law, in practice it could turn out to be an unholy mess. Another constitutionally-validated voice would be at the table, pounding that table and demanding redress.

First nations on reserve would fear having their funding slashed to accommodate off-reserve programs and services. Provinces could come to that table, demanding more federal funding to look after off-reserve aboriginal Canadians who are now, constitutionally, Ottawa’s problem.

In the end, there could be less of everything for everyone, except lawyers.

The timing of the release of this decision is unrelated to the hunger strike of Theresa Spence, the Idle No More protests and the upcoming meeting between Prime Minister Stephen Harper and first nations chiefs. Sometimes things just happen this way.

But 2013 has overwhelmingly begun with aboriginal issues dominating the agenda. It could be a long year.